

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

James Lockett,

Plaintiff,

v.

Michael J. Astrue,

Defendant.

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CIVIL ACTION NO.
1:09-cv-01645-JOF

OPINION & ORDER

This matter is before the court on Plaintiff's motion for attorney's fees [18].

Plaintiff, James Lockett, brought the instant claim seeking judicial review of the Commissioner of Social Security's denial of his disability insurance benefits claim. On December 23, 2009, the court issued an order reversing the Commissioner's decision and remanding pursuant to sentence four of 42 U.S.C. § 405(g). Plaintiff has now filed the instant motion for attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d).

Plaintiff seeks fees in the amount of \$2,562.50 or \$125 per hour for 20.50 hours of attorney's work and \$75 or \$60 per hour for 1.25 hours of legal assistant's work for a total of \$2,637.50. The Commissioner does not oppose Plaintiff's request for attorney's fees.

The EAJA has set a cap of \$125.00 per hour on the amount of attorney's fees that can be awarded under the statute. 28 U.S.C. § 2412(d)(2)(A). As Plaintiff's request for attorney's fees meets the requirements set forth by statute, the court GRANTS Plaintiff's motion for attorney's fees [18] and DIRECTS the Social Security Administration to award Plaintiff attorney's fees in the amount of \$2,637.50.

IT IS SO ORDERED this 30th day of March 2010.

/s/ J. Owen Forrester
J. OWEN FORRESTER
SENIOR UNITED STATES DISTRICT JUDGE